

**REMARKS**

The Office Action mailed December 18, 2003, has been received and reviewed. Claims 15, 16 and 19-21 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly being unclear. Responsive to the Office Action, the applicants have amended claims 15 and 19 to more clearly define the claimed invention. All amendments are made without prejudice or disclaimer. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 19-21 stand rejected 35 U.S.C. § 112, second paragraph, as assertedly being "vague and unclear with respect to practicing the instantly claimed method because the methods require the direct administration of the polynucleotide to the cells to induce apoptosis, and it is unclear how the administration of a host cell containing the polynucleotide would provide any form of treatment of a disease wherein enhanced proliferation or decreased cell death is observed" (page 5 of the Office Action). Claim 19 recites administering the isolated or recombinant nucleic acid to a cell to induce apoptosis. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 15 and 19 stand rejected under 35 U.S.C. § 112, second paragraph as assertedly being unclear. The Office asserts that it is unclear how administration of the nucleic acid alone would induce apoptosis. While the applicants believe that a person of ordinary skill in the art would clearly understand the function of the nucleic acid, the applicants have amended the claim as suggested by the Examiner to expressly state expression of the isolated or recombinant nucleic acid. The claims now clearly set forth that the nucleic acid is operatively associated with elements that result in the expression of the encoded protein. Reconsideration and withdrawal of the rejection is respectfully requested.

**Appl. No. 09/819,308**  
**Amdt. dated March 15, 2004**  
**Reply to Office Action of December 18, 2003**

**CONCLUSION**

Applicants submit that the application is now in condition for allowance. Should any questions remain after consideration of the amendments and remarks, the Office is kindly invited to contact the applicants' representative at the number provided below.

Respectfully submitted,



G. Scott Dorland, Ph.D.  
Registration No. 51,622  
Attorney for Applicants  
TRASKBRITT, P.C.  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: March 15, 2004  
GSD/gsd